

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Thales Communications Inc., Request for)	
Limited Waiver of Commission Rules to)	
Permit Temporary Extension of Equipment)	PS Docket No. 10-233
Authorization to Include 775-776 MHz/)	
805-806 MHz and Related Relief)	

To: The Commission

REPLY COMMENTS OF HARRIS CORPORATION

This Reply Comment is submitted on behalf of Harris Corporation (“Harris”) before the Federal Communications Commission (“Commission”) in response to the Commission’s Public Notice¹ seeking comment on a Petition for Waiver filed by Thales Communications² to continue to allow equipment manufacturers to manufacture, market, and sell equipment that operates in the 775-776/805-806 MHz frequencies to authorized public safety entities. Harris agrees with the Comments already filed in this proceeding that the Commission should grant a temporary blanket waiver of Sections 2.106 and 90.531(b) of the Commission’s rules to allow all equipment manufacturers.³ Permitting equipment manufacturers to continue to manufacture, market, and sell equipment capable of operating in the 775-776/805-806 MHz band is crucial to ensuring that

¹ Public Safety and Homeland Security Bureau Seeks Comment on Petition for Waiver Filed by Thales Communications, Inc., PS Docket No. 10-233, *Public Notice*, DA 10-2180 (rel. Nov. 12, 2010).

² Petition for Wavier of Thales Communications, Inc., PS Docket No. 10-233 (filed Sep. 20, 2010).

³ See e.g., “The PSST supports the Thales waiver request, under the conditions described below. However, any such waiver relief that the Federal Communications Commission (“Commission”) grants should apply to all manufacturers, not solely to Thales.” Comments of the Public Safety Spectrum Trust, PS Docket No. 10-233, pg. 1 (filed Dec. 13, 2010) (“PSST Comment”).

public safety entities that were granted waivers to continue utilizing the 775-776/805-806 MHz band are able to have full interoperability across their communications equipment. While all public safety entities will eventually migrate over to the consolidated 700 MHz public safety narrowband allocation (769-775 MHz and 799-805 MHz), permitting entities that have been authorized by the Commission to operate in the 775-776/805-806 MHz frequency the ability to purchase new equipment that enables interoperability across their communications infrastructure is an important interim step.

Harris is an international communications and information technology company serving government and commercial markets in more than 150 countries. Harris is a leading technology developer and manufacturer of mission-critical wireless communications for the public safety communications market with more than 500 critical communications systems deployed world-wide. As a pioneer in the development of Internet Protocol (“IP”) based networks for private radio and broadband applications, Harris supplies industry-leading brands such as VIDA Broadband™, EDACS®, OpenSky®, NetworkFirst™, and Provoice™ and Harris GR-100. In addition, Harris now offers first responders full-spectrum multiband products for joint public safety operations on the local, state, and federal levels: the Harris Unity™ XG-100 and RF-1033M. Harris is committed to providing public safety with solutions to achieving true nationwide interoperability through combining its leading IP based technology and in-depth knowledge of mission critical communications requirements.

Providing a temporary blanket waiver under Section 1.9125 of the Commission’s rules⁴ would address significant interoperability concerns that exist amongst current users of the 775-

⁴ Section 1.9125 of the Commission’s rules permits the Commission to grant a waiver of its rules on its own motion or upon request if: (1) the underlying purpose of the rules would not be served or would be frustrated by enforcement and that waiver would be in the public interest; or (2) in view of unique or unusual factual circumstance

776/805-806 MHz band.⁵ Under the unique circumstances, application of the Commission’s current rules would be contrary to the public interest by negatively impacting the ability of public safety entities operating in the 776/805-806 MHz band to maintain interoperable communications. Granting a temporary blanket waiver of Sections 2.106 and 90.531(b) of the Commission’s rules would promote the public interest by “enabl[ing] interoperability between the equipment previously deployed by [775-776/805-806 MHz] licensees and new equipment that they purchase (pending the full transition to the consolidated narrowband spectrum block).”⁶ The Commission can provide relief immediately by issuing a temporary blanket waiver, on its own motion, rather than requiring a manufacturer modify its actual equipment certification grants.⁷

Any Commission action that would permit the manufacturing, marketing, and sale of new products capable of operating in the 775-776/805-806 MHz should apply to all manufacturers, not just Thales. Only providing waiver to Thales would create an anti-competitive environment for public safety agencies that are permitted to operate in the 775-776/805-806 MHz frequencies and seeking to purchase new interoperable equipment. The importance of providing waiver to

application of the rules would be inequitable, unduly burdensome, contrary to the public interest, or leave the applicant with no reasonable alternative. 47 C.F.R. § 1.925(a) and (b) (2009).

⁵ “The legacy equipment currently available to Illinois for such operation is single band capable only and most cannot transition to the future 6.25 KHz spectrum efficiency in 700 MHz, and therefore does not afford Illinois the benefits of newly developed multiband radio technology...” Comments of the Illinois Statewide Interoperability Committee, PS Docket No. 10-233, pg. (filed Dec. 14, 2010); “Without a waiver of the type Thales has requested on equipment certification, public safety agencies that have the waiver to operate are in a “Catch 22” situation—they can temporarily operate in 775-776/805-806 in addition to operation under the revised band plan, but they can’t buy any more equipment to do so. That would mean that during the transition, the new equipment purchased would not be fully interoperable with equipment previously purchased, as some equipment could operate on 775-776/805-806 MHz and some could not.” Comments of the National Public Safety and Telecommunications Association, PS Docket No. 10-233, pg. 3 (filed Dec. 13, 2010) (“NPSTC Comments”).

⁶ PSST Comments, *supra* note 2, at pg. 3.

⁷ Since the relief is temporary rather than permanent, NPSTC recommends the Commission provide the relief requested by issuing a temporary blanket waiver for any manufacturer to market/sell equipment with the above conditions, rather than by modifying the actual equipment certification grants. NPSTC Comment, *supra* note 5, at pgs. 4-5.

all manufacturers has been recognized in the proceeding by numerous commenters.⁸ The Commission should not grant waiver of Sections 2.106 and 90.531(b) unless a temporary blanket waiver is provided to all similarly situated equipment manufacturers.

For the foregoing reasons, Harris supports the issuance of a temporary blanket waiver of Sections 2.106 and 90.531(b) of the Commission's rules to all equipment manufacturers, including Harris. A waiver should not be granted only to Thales. Granting a blanket waiver to all similarly situated equipment manufacturers will help facilitate interoperability across the 700 MHz narrowband spectrum while public safety entities still utilizing the 775-776/805-806 MHz frequency migrate to their permanent 700 MHz narrowband allocations.

⁸ "AASHTO recommends that the waiver grant apply to all manufacturers, not just Thales to insure a full range of equipment types are available pending transition to the consolidated narrowband 700 MHz spectrum." *Id.*; "NPSTC recommends that the waiver grant apply to all manufacturers, not just Thales. Doing so supports a competitive equipment market with multiple manufacturers being allowed to serve the public safety entities who have received a temporary waiver to continue operating in the 775-776/805-806 MHz band, pending transition to the consolidated narrowband 700 MHz spectrum." NPSTC Comments, *supra* note 7.

Respectfully submitted,

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/s/

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